

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: MARCH 21, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-19087 - APPLICANT: ESSENCE OF THAI, INC. -  
OWNER: CARMELLA M. MAURO**

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**\*\* CONDITIONS \*\***

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. Approval of this Special Use Permit does not constitute approval of a liquor license.
3. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The project is a request for a Special Use Permit for a Beer/Wine/Cooler on-sale establishment at an existing restaurant located at 4105 West Sahara Avenue. The project will meet all Title 19.04 regulations therefore approval is recommended by staff.

**BACKGROUND INFORMATION**

<i><b>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</b></i>	
08/18/99	The City Council denied a request for a Variance (V-55-99) on property located at 4109 West Sahara Avenue to allow a proposed addition to an existing non-conforming retail building.
02/22/07	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #8/ja).
<i><b>Related Building Permits/Business Licenses</b></i>	
Current	Restaurant license (R09-01333-6-125783) seating for 45 or more patrons.
<i><b>Pre-Application Meeting</b></i>	
12/27/06	A Pre-application meeting was held with the applicant. Planning staff advised the applicant Title 19 regulations for alcohol sales governed under a Special Use Permit.
<i><b>Neighborhood Meeting</b></i>	
A Neighborhood Meeting is not required for this type of application nor was one held.	

<i><b>Details of Application Request</b></i>	
<i><b>Site Area</b></i>	
Gross Acres	0.21 acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Commercial	SC (Service Commercial)	C-1 (Limited Commercial)
North	Residential	L (Low Density Residential)	R-1 (Single Family Residential)
South	Residential	L (Low Density Residential)	R-1 (Single Family Residential)
East	Commercial	SC (Service Commercial)	C-1 (Limited Commercial)
West	Commercial	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
A-O (Airport Overlay) District	X		Y
<b>Trails</b>		X	Y
<b>Rural Preservation Overlay District</b>		X	Y
<b>Development Impact Notification Assessment</b>		X	Y
<b>Project of Regional Significance</b>		X	Y

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.04, the following parking standards apply:*

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
	1,922	1 space/50 square feet of public seating area (1,200)	28	1	32		N*
TOTAL			28		32		N
Loading Spaces			0		0		N

\*The restaurant is located within a parking impaired development. Per Title 19.04 no additional parking is required for Beer/Wine/Cooler sales beyond the required parking for the restaurant use.

## ANALYSIS

The project request is to allow alcohol sales (on-site) within an existing restaurant within an existing commercial center.

- **General Plan and Zoning**

The project site is designated for SC (Service Commercial) uses in the General Plan and zoned as C-1 (Limited Commercial). In accordance with Title 19 - Section 19.04 Beer/Wine/Cooler on-site sales is an allowable use with a Special Use Permit.

- **Separation Distance**

No protected uses such as churches, public parks, schools or daycare centers are located within 400 feet of the proposed project.

- **Parking**

The existing 1,922 square foot restaurant is considered a parking impaired development. However, pursuant to Title 19.04 for Beer/Wine/Cooler on-sales uses no additional parking is required for the proposed use beyond that required of the primary use. The property owner of the commercial center where the proposed use is located is owned by a single property owner and has 32 parking spaces available for the restaurant and adjoining commercial uses.

## **FINDINGS**

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed use can be operated to complement surrounding commercial uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The project does not propose any new construction and will not result in an intensification of use.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The project site has adequate vehicular access along Sahara Avenue.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

No detrimental effects to human health and public safety will result from the proposed use.

5. **The use meets all of the applicable conditions per Title 19.04.**

The project satisfies all requirements as stipulated under Title 19.04.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 15

**ASSEMBLY DISTRICT** 11

**SENATE DISTRICT** 1

**NOTICES MAILED** 358 by City Clerk

**APPROVALS** 0

**PROTESTS** 1